IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 708 of 2006

Km. Gita Saini D/o Sri Tara Chandra Saini
R/o 8/2/1 B.H.E.L. Police Station Ranipur
District Haridwar ... Applicant

Vs

1. State of Uttaranchal
2. Smt. Kaila Devi W/o Desh Raj
   R/o House No. 197/211 B.H.E.L.
   Ranipur, P.S. Ranipur
   District Haridwar ... Opposite Parties

Sri B.M. Pingal, learned counsel for the petitioner
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioner – Km. Gita Saini who is facing the trial in Criminal Case No. 1227 of 2006 State Vs Durga & others under Sections 354, 323, 324, 504, 506 I.P.C. and 3(1)(x) of S.C./S.T. Act pending in the court of Additional Chief Judicial Magistrate, Haridwar.

2. Brief facts of the case are that the complaint was filed by the respondent No. 2 – Smt. Kaila Devi against the petitioner for the aforesaid offence. The court after having been satisfied, summoned the petitioner vide order dated 16.05.2006 to face the trial. The petitioner thus challenged the summoning order as well as prayed for quashing the entire aforesaid criminal proceedings pending against him.

3. Heard Sri Bipin Mohan Pingal, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

4. Having considered the arguments advanced by the learned counsel for the parties, I am of the view that there is no abuse of process of the court in this case. The averments made in the petition are the disputed question of fact, which can be assessed and judged by the trial court. I am not supposed to embark upon an enquiry with regard to the credibility of the evidence at this stage. Any judgment rendered by me would amount to premature judgment where the evidence is still incomplete and hazy.

5. The petition lacks merit and is liable to be dismissed.

6. Accordingly, the petition under Section 482 Cr.P.C. is dismissed in-limine.

7. Consequently, the stay application No. 1425 of 2006 is also rejected.

(B.C. Kandpal, J.)

30.08.2006
ASWAL